

Debra Scordato



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L-000000-04-0127-00000

From: Brett Mecum <[REDACTED]>
Sent: Wednesday, January 14, 2015 1:19 PM
To: Debra Scordato; [REDACTED]
Subject: FW: APS Transmission Corridor - Sarah Ann Ranch Subdivision, Surprise, AZ
Attachments: State Rep. Steve Montenegro.docx; ATT00001.htm; Stop APS Overview-Contacts.docx; ATT00002.htm; AZ Commission Request.docx; ATT00003.htm; APS PERMIT VIOLATIONS.docx; ATT00004.htm

Can you help facilitate the right person at the ACC taking a look at the attached constituent issue for the Majority Leader? Thanks.

Best,

Brett

ORIGINAL

From: Dan Godzich
Sent: Wednesday, January 14, 2015 11:24 AM
To: Brett Mecum
Subject: Fwd: APS Transmission Corridor - Sarah Ann Ranch Subdivision, Surprise, AZ

Brett,

A Surprise Constituent of Mr Montenegro has some power pole issues. Would you be kind enough to have Corp Comm folks look at the attached to see if there is any merit to the claims? Have they already been sent these materials directly?

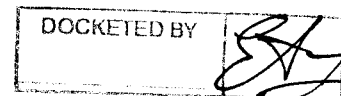
Dan

Arizona Corporation Commission
DOCKETED

FEB 04 2015

Begin forwarded message:

From: Steve Montenegro <[REDACTED]>
Date: January 14, 2015 at 9:31:40 AM MST
To: Dan Godzich <[REDACTED]>
Subject: FW: APS Transmission Corridor - Sarah Ann Ranch Subdivision, Surprise, AZ



Dan can you look into this for Rep Montenegro?

From: [REDACTED]
Sent: Thursday, January 08, 2015 2:47 PM
To: Steve Montenegro
Subject: APS Transmission Corridor - Sarah Ann Ranch Subdivision, Surprise, AZ

1/7/15

RECEIVED
2015 FEB -4 A 10:26
AZ CORP COMMISSION
DOCKET CONTROL

Hello State Representative Mr. Montenegro.

I met this afternoon with AZ State Director Gina Gormley regarding the above referenced project. Attached please find information concerning our situation as well as the steps/correspondence we have achieved so far. We, however, desperately need your help. Please see the following attachments:

- ? Letter requesting the assistance of State Representative Steve Montenegro
- ? Copies of pertinent correspondence regarding our position
- ? Line Item List of APS non-compliant / violations under AZ Corp. Commission Order
- ? Photos evidencing proof of those violations (May come in separate email)
- ? Copy of "Letters of Request to AZ Corporation Commission" to Re-Open the Order, Citing "Viable Options"
- ? Photos to follow

Please advise on however you may be able to help. **Please recognize that this entire situation has APS operating and installing these lines under a Permit/Order issued by the AZ Corporation Commission, dated May 2005, when the easement wasn't even yet obtained by APS for another 3 years for the Cactus Road portion of the Transmission Line, until a Court Ordered Judgment in January 2008.** In that judgment, APS exercised its' power of eminent domain via a condemnation lawsuit that **originated in October 2006 against the land owner, Chi Construction.** That builder/developer did receive an undisclosed amount of money in consideration of that judgment and subsequently title to the land was deeded onto the Home Owners Association (H.O.A.) as a 'necessary party to the lawsuit'.

If you have any questions, please call me or our Committee Spokesperson, Joe Monsour.

Respectfully,

Kristin Vehring
Stop APS Power Line Committee Member

[REDACTED]
[REDACTED]

1/6/15

AZ State Representative - Steve Montenegro
House of Representatives
1700 W. Washington
Room 218
Phoenix, AZ 85007

RE: APS West Valley-North Transmission Corridor Site Line /
Sarah Ann Ranch Community, Surprise, AZ 85388

Dear Representative Montenegro,

This letter is to formally request the assistance and intervention of you, AZ State Representative Steve Montenegro, with regard to the above referenced APS Project in Surprise, AZ. In addition to the summary, I have attached several photos to illustrate both "viable reasons" as well as some of the cited violations on behalf of APS in non-compliance with the Permit/Order No. 67828, dated May 5, 2005, as issued by the AZ Corporation Committee. Again, this should summarize the position of our community and express what we are striving to achieve. It is TIME SENSITIVE in nature as APS intends to move forward to achieve their projected completion date.

We ask that you read the summary, view the photos, and take an honest inventory of the information provided. Once you read and see what we are so desperately trying to protect, we implore you to act on our behalf and in our best interest to do what's right. We realize the issue we have with APS is not that of legal stature, but of moral and ethical stature. Simply put, APS acquired this easement through a condemnation lawsuit issued by the court in January 2008 after exercising its eminent domain power. However, the AZ Corporation Commission issued an Order permitting APS's Transmission Project prior to them owning the easement in May 2005. The builder developed and sold the lots in this subdivision without yet having a final judgment with regards to this easement. Hence, the finger pointing and at the end, the common man left holding the bag (so to speak). Yes, the PROPOSED project was disclosed to us in our CCR's from the home owner's association (H.O.A.), however it was described as only being valid if APS commenced this work through this PROPOSED EASEMENT during the "...initial development" of said subdivision. We do not believe that our established, mature subdivision is any longer in its "initial development phase." The below referenced Line Items and Page Numbers are just a few examples of APS's non-compliant violations under that Order. An Order that was issued prior to the easement being legally legitimate and prior to the development of a community that has since grown to 995 residence.

We implore you to explore and research the details of this situation and then intervene on our behalf. We are confident in your understanding of how absolutely devastating and debilitating these four (4) monster poles are going to be to our beautiful, peaceful little part of the world and how one, privately

owned company, has been given so much power that they can do whatever they want, no matter the cost or impact. Even if it means they had to wholly subsidize a governmental agency to do it.

Approval of the placement of these particular towers will significantly compromise our health, environment, and home values. We have data and research to prove all three.

Sincerely,

Kristin Vehring - STOP APS Power Line Committee Member


Attachments:

- Overview / Summary of the APS - Sarah Ann Ranch Subdivision Issue as of 1/6/15
- Photos
- Line Item/APS Permit Violations
- AZ CORPORATION COMMISSION Request for Re-Opening of Order

Please let myself or Joe Monsour (Community Spokesperson) know if there's any additional information you need.

12/18/14

***** PLEASE DELIVER IMMEDIATELY TO THE BELOW LISTED COMMISSIONERS *****

To: AZ Corporation Commissioners

RE: Decision No. 67828, Dated May 5, 2005

Commissioners:

- Susan Bitter Smith
- Bob Burns
- Bob Stump

Thank you Susan Bitter Smith for your swift response yesterday to our request dated 12/17/14. Thank you also to Connie Walczak and Tom Davis (Utilities Division) for their guidance on how to appropriately bring this request to you; however due to the fact that you are in "Open Meeting" today, 12/18/14 and tomorrow, 12/19/14, we are asking for your electronic intervention to **initiate an immediate emergency suspension of APS's permit under the above referenced Decision Number.** Our APS arrangement to delay operations expires tomorrow. Your offer to meet next week Susan, will unfortunately be too late. We are claiming APS violations and non-compliance under the specifications required by the permit provided to them under Order No.67828.

We have proof of numerous APS violations that warrant "Viable Reason" to re-open Decision No. 67828 under the State of Arizona Statute #40-252. We assure you that we are prepared and organized for an intervention of this magnitude. We possess both documented and photographic evidence of the multiple violations and plead that your organization responds to our desperate request for assistance.

The City of Surprise Mayor and Councilmember's made an emergency closed meeting and vote (following the public emergency agenda add-on meeting prior to) and voted unanimously to support the residents by taking a concrete position on the issue - Resolution 2014-123.

We respectfully urge you to respond to this letter IMMEDIATELY as our temporary delay with APS expires tomorrow on 12/19/14. APS is staged with all poles, pilings, equipment, etc. at all four N,S, E, and W boundaries to continue with their proposed construction. With your help we are hoping to sit down with all parties affected to discuss other options with regard to this 40 mile Site Corridor that threatens not only our immediate subdivision, but the surrounding communities as well. **PLEASE GET INVOLVED.**

If necessary, and with permission, I and one other committee resident will attend your "Open Meeting Session" tomorrow if you would be willing to add us to your agenda.

Please advise as soon as possible.

Joe Monsour, Sarah Ann Ranch Committee, and ALL affected Residents.

1-7-15

**AZ CORP COMMISSION PERMIT VIOLATIONS/ NON-COMPLIANCE
APS WEST VALLEY-NORTH TRANSMISSION CORRIDOR SITE LINE PERMIT**

The items listed below are just a few of the current violations/non-compliance issues observed that APS has committed under AZ Corporation Commission Permit/Order No. 67828, Docket No. L-00000D-04-0127.

Photographs of proof of these specified listings were sent to you in an additional email titled, "APS-SARAH ANN RANCH SUBDIVISION".

Page 3, Line 18-21

This included land (specifically on Cactus Road) that had not yet even been acquired by APS. It was not legally acquired until January 2008 (3 years after the date of the permit). And it was acquired via a condemnation suit filed by APS against the developer and by exercising its' eminent domain power.

Page 7, Line 20-23

"...The Applicant (APS) shall minimize vegetation disturbance....." **(Please see photos)**

Page 8, Line 3-20

"Within 45 days of securing easement (either late Feb. or Mar. of 2008), the Applicant shall erect and maintain signs.....

APS Posted one sign, admittedly, around 9 years ago (again, prior to legally acquiring the property) on the undeveloped, un-graded, un-even gravel section of Cactus road equidistant between Cotton and 175th Streets. This is a road only accessed by APS service vehicles and the occasional mis-guided GPS User. (Why hasn't the City of Surprise completed this road to-date?) Nonetheless, no one would ever see this single sign, as no one ever uses this road for travel. Very deceitful, strategic placement on APS's behalf. They did, however post a sign, last Saturday, Jan 3, just hours prior to our Committee Rally. **(Please see photos)**

Page 8, Line 21-26 (con't on Page 9, Line 1-2)

This Item Number provides the ability for APS to file for an extension (something we were informed they have already done, but deny) and the requirements of how to properly inform the landowners and homeowners within a one-half mile radius of the Project facilities. (Perhaps that is why they prefer to not have the AZ Corporation Commission reopen or extend the term???)

Page 9, Line 11-21

"The goals of the Plan will be too:

"**Avoid impacts where practical;...**" (nowhere could be more practical than the vacant/farmland directly to the south of the proposed line - The land owner lives in Utah and has agreed to provide an easement if approached)

..."**AVOID, (i.e. preserve), where practical, mature native trees;**" (Please see photos)

Page 10, Line 12

"Applicant shall monitor all ground clearing/disturbance activities" The mess APS has left behind from their initial slaying of trees lie as a continuous reminder of their disrespectful and arrogant display of conduct. **(Please see photos)**

Page 11, Line 9-12

"With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums, and shall coordinate transmission expansion plans related to the Project to **RESOLVE** transmission constraints in a timely matter."

Page 11, Line 15-17

"Applicant shall work with developers along the route to encourage them to include the identity and location of the certified route in the developers' homeowners' disclosure statement." While there was information about a "proposed easement" it stated that the easement would only be realized during "the initial development" of the subdivision. Again, it is 10 years after the permit, 7 years after they obtained the legal easement, and 9 years since the developer started selling and building the homes in this subdivision. We hardly agree that to be within "the initial development" process.

January 4, 2014

TO ALL SARAH ANN RANCH (and surrounding communities) CONCERNED RESIDENTS:

We can't thank you enough for joining OUR community in stopping THE APS PROPOSED POWER LINE on Cactus Road, the south boundary of our subdivision in Surprise, AZ, between 175th St and Citrus Roads.

This letter serves as an overview of the situation to date, important contact information, and where to find current, up-to-date, information for this interest group that we have been working to assemble.

A few days prior to Thanksgiving, APS started cutting the Citrus Trees that outline our subdivision on Cactus Rd. It was discovered that their intent was to move forward with the West Valley -North Transmission Corridor Site Line. Like most of us, we thought the power poles erected on the south side of Cactus Rd were the ones referred to in our H.O.A. CCR's only to find out, these were nothing more than a temporary run to dub us into believing exactly that. APS has confirmed that these poles are only serving as a temporary line of conductors while they erect the ACTUAL 230 Kilovolt, 130ft power towers right within our greenbelt. They were cutting trees, boring the holes for the pole piling cages, and staging all of their pole assemblies in the dark, early a.m. hours so no one would notice. The most damning of APS's actions is that their intent to execute this one-mile section (that would affect and entire subdivision) was scheduled right through the 2014 Holiday Season, while all of our attention was on friends, family, and celebration of the season. This was no coincidence. Luckily, we took a stance and have deferred their activity, at least temporarily.

We have reached out to the City of Surprise Mayor and Councilmember's, the City Manager, Assistant City Manager, City Attorney, Sarah Ann Ranch H.O.A., Land Developer, Builder (D.R. Horton), and AZ Corporation Commission. In summary, the City of Surprise states they are unable to help with the exception of organizing and providing a room for our Committee Reps to meet with APS. Legally they will not take a stand, nor are they willing to use their elected positions to reach up the political ladder to coordinate and engage higher level State of Arizona representative intervention. That's o.k. because we have been able to do that ourselves.

Our H.O.A. refused to not only discuss this situation; they refuse to represent their due paying residents in any capacity with this case. In fact, we approached them respectfully and requested their assistance in notifying all the residence, via e-mail or standard mailing, they refused. We expressed that while missing dogs and cats are important, the significance of this situation which threatens our health, children, property values, environmental, and overall community welfare, carry by far a greater magnitude of importance. Again, just so we're clear – the H.O.A. that you are required to pay your dues to quarterly and the parenting HOA Management company, not only refused to help you, but have taken a stance of complete silence.

Next, we have requested the assistance of the APS Permitting Organization that provided the approval and allowance of this project, the AZ Corporation Commission (ironically fully subsidized by APS). They issued the original Order No. 67828, Docket No.L-00000D-04-0127, dated May 5, 2005. This Order carries the equivalent of a court order judgment. It CAN be reopened, ONLY if there is "viable reason". Well, we have cited numerous "viable reasons" on behalf of both our community as well as our city as well as specific violations that find APS in absolute non-compliance under that Order. We continue to request their intervention. As of this point, they have not listened to, nor responded to our proof of those violations.

Finally, we have provided the contact information for our State Representatives, Congressman, and Governor. We have included it again at the bottom of this letter and urge you to reach out to them. They have stated to us that there is a direct correlation between the number of calls/emails they receive, to the amount of attention this issue receives. We implore you to take 5-10 minutes of your time, to reach out to these individuals and organizations and let them know it matters to you. The communities and organizations that have banded together and stood united HAVE BEEN SUCCESSFUL in mediating solutions with APS. The Vistancia community in Peoria, and others have been able to require APS to relocate their Site Corridors, WE CAN TOO!

At the end of the day, we have discovered that the City of Surprise, whom claimed they had no prior knowledge from the previous elected board of such a situation, was untrue. (Keep that fact in mind at election time.) The government organization that provides the permit to this monopoly utility is the AZ Corporation Commission, has not cooperated either. Our H.O.A., who we are required to pay to represent us, refuses to represent us. The H.O.A. Management Company (AAM) refuses to represent us. The Land Developer points the finger at APS and Builder D.R. Horton. APS has filed a condemnation suit against D.R. Horton, etc. and the wheels go round and round.

OUR GOALS AS A COMMUNITY ARE:

- **Stop APS – they MUST move or bury the lines.**
- **Reorganize our H.O.A. to reflect a Board of Individuals Willing to Represent it's Residents.**
- **Organize to take legal action against our Subdivision Developer, Builder (D.R. Horton) and APS.**

Please help us however and whenever you can. We have set up a Facebook page, created a You-Tube Chanel, and continue to manually inform all residents on-foot with flyer distribution. We ask you to spread the word with neighbors, help with flyer canvassing, and use any professional skills or contacts you have to assist in exposing this VERY IMPORTANT CAUSE. Lastly, contact every one of the individuals and organizations listed below.

P.S. Our Builder (D.R. Horton) and H.O.A. received the money for the purchase of this APS Easement.

Thank you and stay plugged-in with all of the mentioned venues mentioned in this letter. WE CAN MAKE A DIFFERENCE!!! Time is of the essence as we received a correspondence from APS stating they intend to resume their project and start the construction on January 19, 2015. We need to work fast!

CONTACT INFORMATION:

AAM (HOA Mgmnt Co – Susan Planter

www.sarhoa.com

602-395-2736

AAM Community Mgr. Kim Vallandingham,

H.O.A. Resident Representation - President Steve Hupalo – 623-326-5256

Vice-president Trish Tower, Treasurer John Marshall, Secretary Thom Bambulas, and Director Patrick Smith

D.R. Horton Customer Service Coordinator - Debi Rae Binder

480-368-2300 – Direct 480-368-2315

Fax 480-368-1083

drbinder@drhorton.com

Mayor Sharon Wolcott

623 222-1300

16000 N Civic Center Plaza

Surprise, AZ 85374

mayor@surpriseaz.gov

City Attorney Misty Leslie – 623-222-1120

City Councilman John Williams

623-222-1323

16000 N Civic Center Plaza
Surprise, AZ 85374
John.williams@surpriseaz.gov

Congressman Trent Franks

623-776-7911
7121 W. Bell Rd Ste 200
Glendale, AZ 85308

Governor Doug Ducey – 602-542-4331

Senator John McCain

602-952-2410
<http://www.mccain.senate.gov/public/index.cfm/contact-form>

Senator John Flake

602-840-1891
<http://www.flake.senate.gov/public/index.cfm/contact-jeff>

STOP APS COMMITTEE MEMBERS:

- Joe Monsour (Spokesperson) - Phone: [REDACTED] Email: [REDACTED]
- Kristin Vehring – Phone: [REDACTED] Email: [REDACTED]
- Darlene Davis – Phone: [REDACTED] Email: [REDACTED]

LINKS:

Facebook Name & Link:

Surprise AZ Stop APS Power lines; <https://www.facebook.com/pages/Surprise-AZ-Stop-APS-Power-Lines/487417611397941>

Approved Docket allowing the power lines link:

<https://www.aps.com/library/siting/WVNACCDDecision.pdf> and the other link
<https://www.aps.com/en/ourcompany/generationtransmission/transmissionfacilitiesiting/Pages/completed-siting-projects.aspx>

YouTube Channel: TBA (in progress)

Watch the local TV and newspapers – they are graciously helping us to share what's going on